



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/230,500	03/17/01	JOHANNESSEN	

HM11/0314

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ART UNIT:

PAPER NUMBER

23  
DATE MAILED:

03/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/050,366

Applicant(s)  
Jfohannsson et al

Examiner  
F. T. Moezie

Group Art Unit  
1653



☒ Responsive to communication(s) filed on Oct 20, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 22-24 and 28 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 22-24 and 28 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### MISCELLANEOUS ACTION

The reply filed on October 2, 2000 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): The claims are now drawn to "A method of increasing the insulin sensitivity of a patient" instead of the earlier elected Group, ie., "A method for treating a patient for insulin resistance". See 37 CFR 1.111.

Note: Along with the request for entry of CPA (May 4, 2000) applicant filed a Preliminary amendment, wherein claims 19-21 and 25-40 were canceled and claim 22 (the only remaining independent claim) was extensively amended. Claims under prosecution were/are:

Claims 22-24 and 28.

Claim 22 (Once amended) is drawn to:

**A method for treating a patient for insulin resistance, said patient having the Metabolic Syndrome and being non-insulin dependent which comprises ---.**

Amendment filed 20 October 2000, paper no. 22, claim 22 (Twice amended) was again extensively amended as follows:

**A method of increasing the insulin sensitivity of a patient having the Metabolic Syndrome, wherein Syndrome comprises Primary Insulin Resistance and abdominal/visceral obesity, wherein said method comprises ---.**

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Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication should be directed to F.T. Moezie at telephone number (703) 305-4508.

*F.T. Moezie*

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ART UNIT 1653